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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/982,643 | 10/18/2001 | Scott E. Taylor | 2070.005500/P6771 | 8153 |
| 7590 | 06/24/2005 | | EXAMINER | |
| B. Noel Kivlin Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. P. O. Box 398 Austin, TX 78767-0398 | | | SHAH, KAMINI S | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2142 | |

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/982,643 | TAYLOR, SCOTT E. | |
| | Examiner | Art Unit | |
| | Kamini S. Shah | 2142 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 31 March 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-24 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitney et al, 5,842,214 in view of Sugauchi et al 6,014,349.

Regarding to claimed invention, Whitney et al teaches storage unit that adapted to store a domain list such as a distribution system has a first storage media portion which store and manage files, see col.2, lines 13-16. The distribution system includes workstation 101, network server 103, storage devices 104 and domain controllers 106 and also provides load balancing of domain controller resources. The domain controller includes a directory service server 204 which is responsible for mediating access to DS entries 202 see col. 4, lines 42-55. On col. 5, lines 1-8, the distributed file system manager 208 provides functionality for facilitating distributed name resolution and also provides management for a prefix table and management for knowledge about the file system.

Regarding to claimed control unit for adapted to determine an active path from the one or more available paths, Whitney teaches distribution file system which performs the distributed name resolution as shown in figure 6, wherein retrieve storage location

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routine performs the mapping of the logical path name of an object to a physical address for the object in the distributed system, see col. 7, lines 40-59.

However, Whitney does not clearly disclose the path list that comprises one or more paths available for communications and the control unit adapted to determine an active path from the one or more available paths and to transmit data to the domain over the active path, as in claim 1. Sugauchi et al teaches management configuration of a network including the network/system management relating system including block composed of client/server defined as domain, see col. 3, lines 53-66. Furthermore, Sugauchi et al discloses a flow chart showing the outline of the process of collecting relating information when the operated object is a serve, as in col. 5, lines 43-68, and further discloses the corresponding table for storing management node relating the designated managed object and stores the designated object domain configuration information, as in figure 7 and col. 6, lines 1-51. Also, for the case of client, the connections of the display symbol to the servers in the connection state at present are displayed, see col. 7, lines 45-64. With regard to claimed transmitting data over the active path, Sugauchi et al teaches communication control unit 309 for controlling the communication process for collecting management information, and transmits request information by each management function, see col. 4, lines 54-col. 5, lines 1-10.

It would have been obvious to one of the ordinary skill in the art at the time of invention to utilize the teaching of Sugauchi et al for the recited features into the system of Whitney because, Sugauchi will provide visual configuration of client/server by displaying "active path" for communication, see col. 12, lines 31-44.

Regarding to claim 2-9, Whitney et al teaches retrieve storage location routine 520 of the control unit to determine if there is match between the logical path name from the request and a logical path name in prefix table 520, and determines if there is desire to change active path by match in logic path name, see col. 8, lines 56-67 and col. 9, lines 1-15.

Regarding claims 10-24, claims recite the similar subject in method and article form as in claims 1-9, and are rejected for the similar reasons.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kamini S. Shah whose telephone number is 571-272-2279. The examiner can normally be reached on IFFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew B. Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kamini S Shah

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Primary Examiner
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KSS